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## CHAPTER 26

## AIRPORT TALL STRUCTURE REGULATIONS

## SECTION:

- 10-26- 1: Statutory Authorization and Purpose
- 10-26- 2: Short Title
- 10-26- 3: Definitions
- 10-26- 4: Airport Zones and Airspace Height Limitations
- 10-26- 5: Use Restrictions
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**10-26-1: STATUTORY AUTHORIZATION AND PURPOSE:** This Chapter is adopted pursuant to the authority conferred on the City by Iowa Statutes, section 329.3. It is hereby found that an airport hazard endangers the lives and property of users of the Fort Madison Municipal Airport and property or occupants of land in its vicinity. Accordingly, it is declared:

- A. That the creation or establishment of an airport hazard is a public nuisance and an injury to the City served by the

- B. That it is necessary in the interest of the public health, public safety and general welfare that creation of airport hazards be prevented; and
- C. That this should be accomplished to the extent legally possible, by proper exercise of the police power; and
- D. That the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein. (Ord. B-368, 3-2-82)

**10-26-2: SHORT TITLE:** This Chapter shall be known and may be cited as the *FORT MADISON MUNICIPAL AIRPORT TALL STRUCTURE ORDINANCE*. (Ord. B-368, 3-2-82)

**10-26-3: DEFINITIONS:** As used in this Chapter, unless the context otherwise requires:

**AIRPORT:** The Fort Madison Municipal Airport.

**AIRPORT ELEVATION:** The highest point of

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feet above mean sea level, which elevation is four feet (724').

**AIRPORT HAZARD:** Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations sections 77.21, 77.23 and 77.25, as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

**AIRPORT PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**AIRSPACE HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

**CONTROL ZONE:** Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius with extensions where necessary to include instrument approach and departure paths.

**INSTRUMENT RUNWAY:** A runway having utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

**MINIMUM DESCENT ALTITUDE:** The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

**MINIMUM EN ROUTE ALTITUDE:** The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

**MINIMUM OBSTRUCTION CLEARANCE ALTITUDE:** The specified altitude in effect between radio fixes or VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty two (22) miles of a VOR.

**RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**VOR:** Visual omny range.

**VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military

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services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority, (Ord. B-368, 3-2-82; 1993 Code)

#### 10-26-4: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS:

In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which are depicted on the Fort Madison Municipal Airport Tall Structure Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. Horizontal Zone: The land lying under a horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by:

(Visual Runway and Nonprecision Instrument Utility Runways)	1. Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of Runway(s) 16, 34, 10 and 28, and connecting the adjacent arc by lines arcs.
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- B. Conical Zone: The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No

structure shall penetrate the conical surface in the conical zone, as depicted on the Fort Madison Municipal Airport Tall Structure Map.

- C. Approach Zone: The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

1. The inner edge of the approach surface is:

(Visual Utility Runway)	250 feet wide for Runway(s) 10 and 26.
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(Visual Other Than Utility Runway and Nonprecision Instrument Runway)	500 feet wide for Runway(s) 16 and 34.
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2. The outer edge of the approach zone is:

(Visual Utility Runways)	1,250 feet for Runway(s) 10 and 26.
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(Nonprecision Instrument Utility Runways)	2,000 feet for Runway(s) 16 and 34.
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3. The Approach Zone extends for a horizontal distance of:

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- B) of the structure or growth in question to permit the City, at its own expense, to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard. (Ord. B-368, 3-2-82)

2. To hear and decide special exemptions to the terms of this Chapter upon which such Board of Adjustment and Appeals under such regulations may be required to pass; and

3. To hear and decide specific variances.

10-26-7: **VARIANCES:** Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Chapter, may apply to the Board of Adjustment and Appeals for variance from such regulations. No application for variance to the requirements of this Chapter may be considered by the Board of Adjustment and Appeals unless a copy of the application has been submitted to the Fort Madison Airport Commission for an opinion as to the aeronautical effects of such a variance. If the Fort Madison Airport Commission does not respond to the Board of Adjustment and Appeals within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance. (Ord. B-368, 3-2-82; 1993 Code)

- B. The Board of Adjustment and Appeals shall have the powers established in Iowa Statutes, section 414.12. (Ord. B-368, 3-2-82; 1993 Code)

10-26-9: **JUDICIAL REVIEW:** Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment and Appeals, may appeal to the Court of Record as provided in Iowa Statutes, section 414.15. (Ord. B-368, 3-2-82; 1993 Code)

10-26-10: **ADMINISTRATIVE AGENCY:** It shall be the duty of the Fort Madison Airport Commission and Fort Madison Planning and Zoning Department to administer the regulations prescribed herein. Applications for permits and variances shall be made to the administrative authority upon a form furnished by them. Applications required by this Chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. (Ord. B-368, 3-2-82)

10-26-8: **BOARD OF ADJUSTMENT AND APPEALS, POWERS:**

- A. The Fort Madison Board of Adjustment and Appeals shall have and exercise

1. To hear and decide appeals from any order, requirement, decision or determination made by the administrative agency in the enforcement of this Chapter;

10-26-11: **MORE STRINGENT REQUIREMENTS PREVAIL:** Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations appli-

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cable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. B-368, 3-2-82)

10-26-12: **PENALTY:** Each violation of this Chapter or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days, or both; and each day a violation continues to exist shall constitute a separate offense. (Ord B-368, 3-2-82)

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- 6-5-8 Judicial Review
- 6-5-9 Administrative Agency
- 6-5-10 Penalties

6-5-1 PURPOSE. Regulates and restricts the height of structures and objects of natural growth in the vicinity of Fort Madison Municipal Airport by creating appropriate zones and establishing boundaries, more specifically:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the County served by the Fort Madison Municipal Airport.
2. That it is necessary in the interest of the public health, public safety, and general welfare, that creation of airport hazards be prevented; and
3. That this should be accomplished to the extent legally possible, by proper exercise of the police power; and
4. That the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the county of Lee may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interest therein.

6-5-2 DEFINITIONS.

1. Airport. The Fort Madison Municipal Airport.
2. Airport Elevation. The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 724 feet.
3. Airport Hazard. Any structure or use of land which would exceed the Federal Obstruction Standards as contained in fourteen Code of Federal Regulations Sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and

ORDINANCE NO. C-420

AN ORDINANCE AMENDING THE ZONING CODE  
TITLE 10, BY CREATING CHAPTER 30 TO ESTABLISH  
AN AIRPORT ZONE

Be it enacted by the City Council of the City of Fort Madison, Iowa:

Section 1. The City Council of the City of Fort Madison does hereby amend Title 10, by creating Chapter 30 to read in full as follows:

**"MA-1" AIRPORT DISTRICT**

**SECTION:**

- 10-30-1: Purpose
- 10-30-2: Farm Exempt
- 10-30-3: Nonconforming Uses of Buildings
- 10-30-4: Permitted Uses
- 10-30-5: Special Uses
- 10-30-6: Yard Areas
- 10-30-7: Height of Buildings
- 10-30-8: Off-street Parking and Loading Facilities
- 10-30-9: Signs

10-30-1: **PURPOSE:** The MA-1 Airport District is intended and designed to facilitate the efficient and safe operations of the Fort Madison Municipal Airport facility and to provide for certain other compatible commercial or light industrial uses on airport property.

10-30-2: **FARM EXEMPT:** Subject to the above, all agricultural areas created pursuant to Section 352.6, Code of Iowa, and the activities conducted thereon, are and shall remain exempt from zoning and building regulations.

10-30-3: **NONCONFORMING USES OF BUILDINGS AND STRUCTURES:** Any use, building, or structure legally existing at the time of the enactment of this Ordinance that does not conform to the use or bulk regulations for the MA-1 District may be continued, but only in accordance with Section 10-5 hereof.

10-30-4: **PERMITTED USES:** The following uses are permitted in the MA-1 Airport District:

Airport terminals

Runway and taxi areas

Aircraft hangers for storage and maintenance

Aviation fuel storage

Heliports

Airport operations excluding livestock

Emergency services facilities & vehicles

Light industrial or commercial warehousing

Manufacturing requiring close proximity to airports for normal daily operations

**10-30-5: SPECIAL USES:** The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 10-22 hereof:

Vehicle rental facilities

Transportation terminals & services

Parks or nature preserve areas

Restaurants

Offices

Industrial uses as permitted and conditioned within Section 10-16 hereof

**10-30-6: YARD AREAS:** No building shall be erected or enlarged unless the following yards are provided or maintained along the perimeter of the airport property:

A. Front Yard: A front yard of not less than twenty-five (25') feet.

B. Side Yards: Side yards of not less than fifteen (15') feet.

C. Rear Yard: A rear yard of not less than twenty (20') feet.

**10-30-7: HEIGHT OF BUILDINGS OR STRUCTURES:** The maximum height of buildings or any other structures shall be regulated as provided for in Section 10-26, Airport Tall Structure Regulations, hereof.

**10-30-8: OFF-STREET PARKING AND LOADING FACILITIES:** Vehicle parking facilities shall be provided as required or permitted in Section 10-19 hereof.

**10-30-9: SIGNS:** The erection, construction, alteration and location of signs, marquees and awnings shall be in conformity with the provisions of Section 10-18 hereof.

**10-30-10: FAA APPROVAL:** Any proposed development within the MA-1 District shall be reviewed by the Fort Madison Airport Commission for possible comment and for compliance with applicable FAA regulations prior to issuance of a permit by the City.

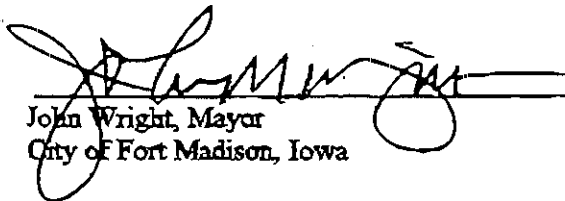
**Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 3.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision, or part thereof not judged invalid or unconstitutional.

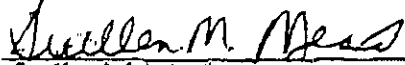
**Section 4.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.



PASSED AND APPROVED by the City Council this 17th day of  
May, 2005.

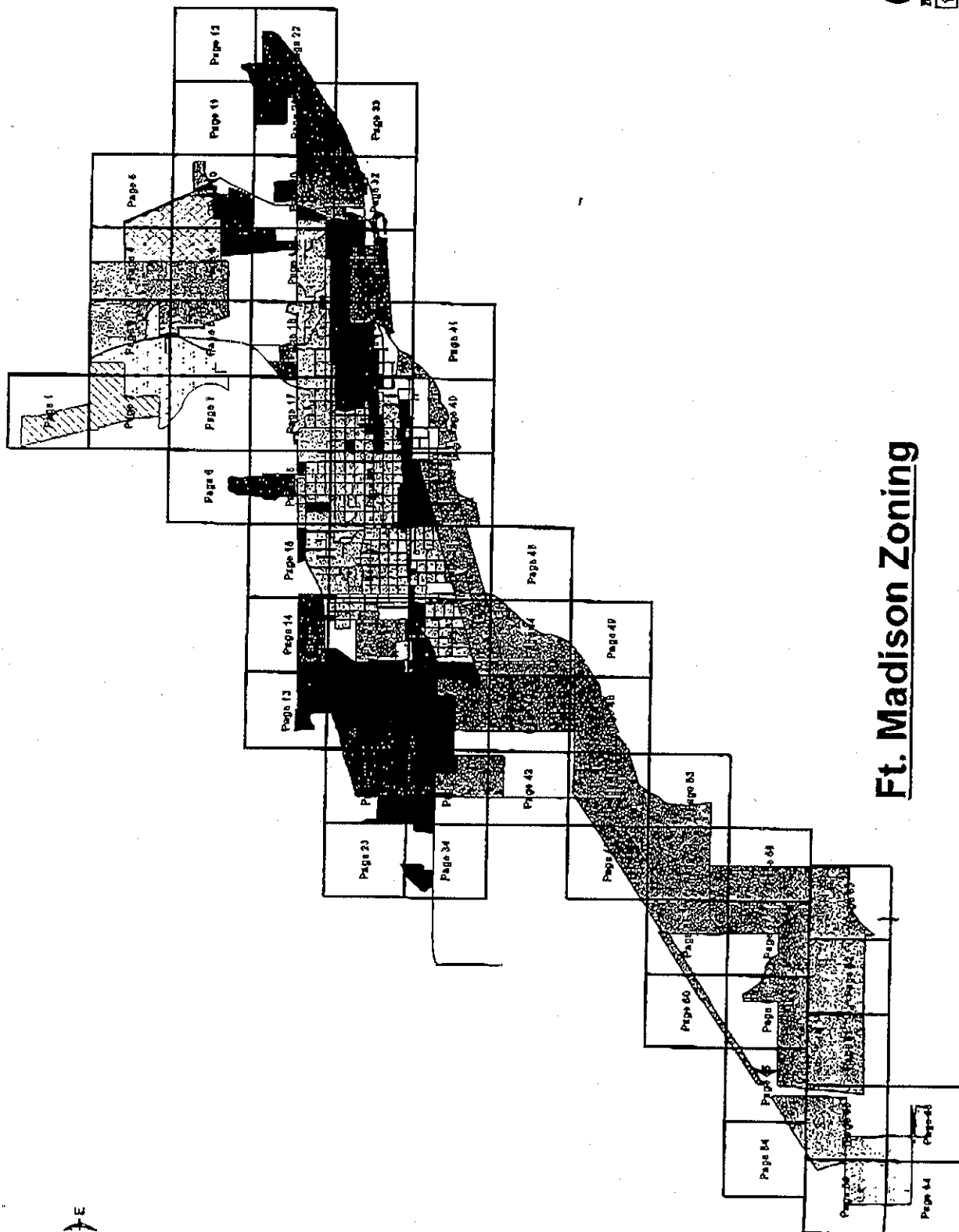
  
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John Wright, Mayor  
City of Fort Madison, Iowa

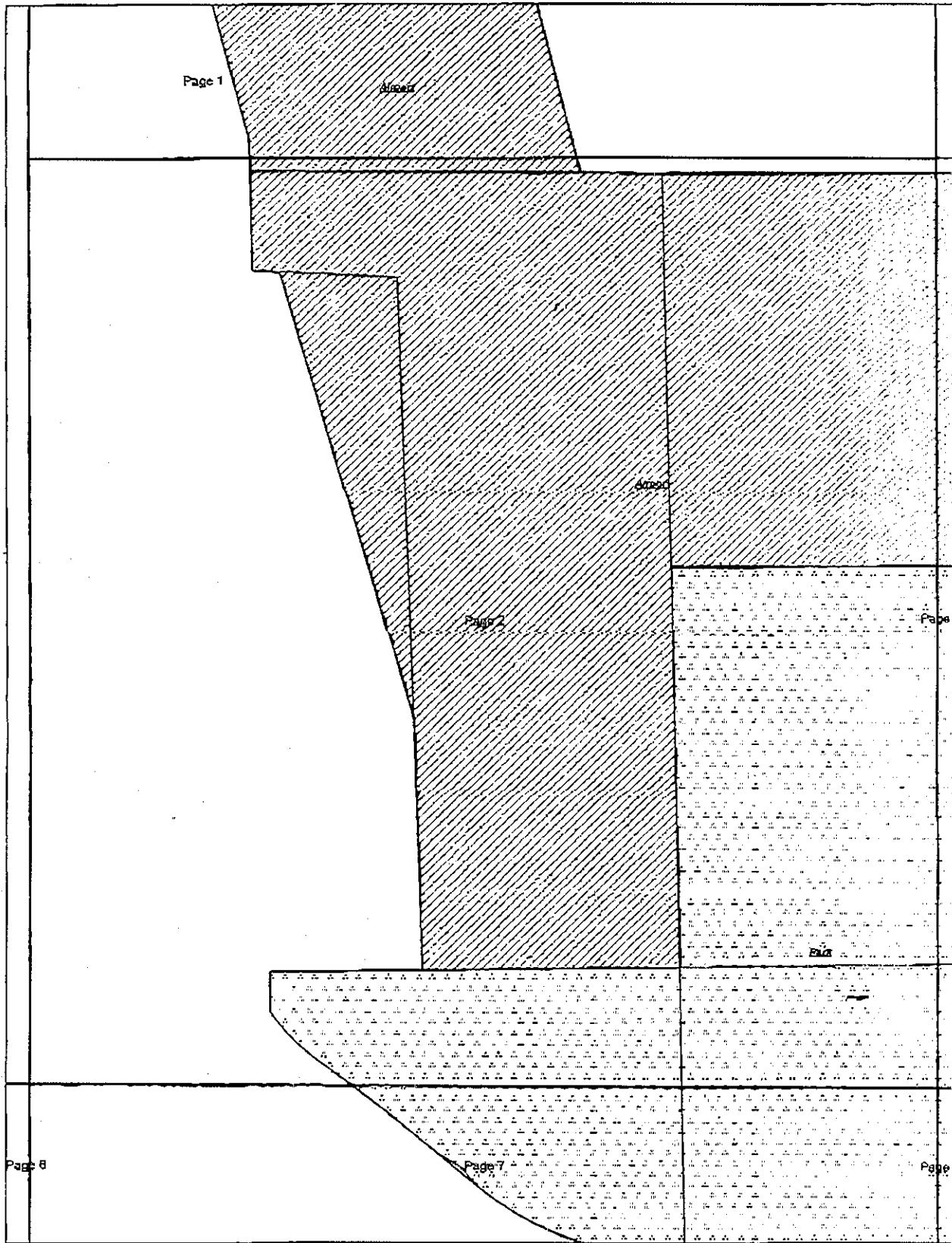
ATTEST:

  
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Suellen M. Mead  
City Clerk

Published in the Daily Democrat on

May 26, 2005. \_\_\_\_\_

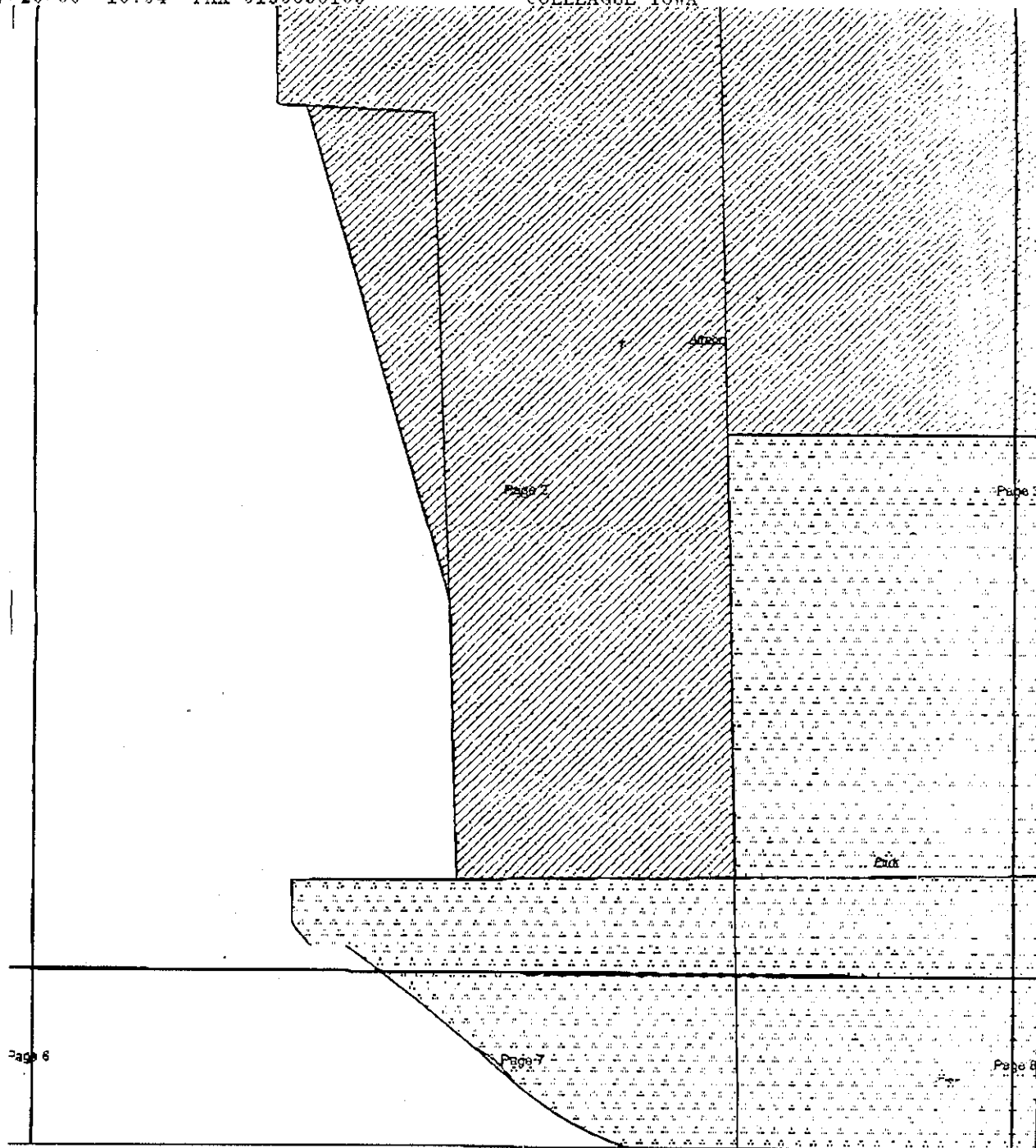




Zoning

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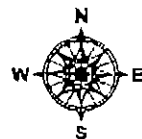




Zoning	
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## Ft. Madison Zoning

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- C3) (All Visual and Nonprecision Instrument Utility Runways) 5,000 feet at a slope of 20 to 1 for Runway(s) 16, 34, 10 and 28.

No structure shall exceed the approach surface to any runway, as depicted on the Fort Madison Municipal Airport Tall Structure Map.

- D. Transitional Zone: The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Fort Madison Municipal Airport Tall Structure Map.

- E. No structure shall be erected in Fort Madison that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any Federal airway in Fort Madison. (Ord. B-368, 3-2-82)

**10-26-5 USE RESTRICTIONS:** Notwithstanding any other provisions of Section 10-26-4 of this Chapter, no use may be made of land or water within the City in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

- A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Fort Madison Municipal Airport or in the vicinity thereof.

- B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Fort Madison Municipal Airport.

- C. No operations from any use in the City shall produce electronic interference with navigation signals or radio communication between the airport and aircraft. (Ord. B-368, 3-2-82)

- A. Notwithstanding the provisions of Section 10-26-5 of this Chapter, the owner of any structure over two hundred feet (200') above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally any structure, constructed after the effective date of this Chapter and exceeding nine hundred forty nine feet (949') above ground level, must install on that structure high intensity obstruction lights in accordance with chapter 6 of FAA Advisory Circular 7460-1D and amendments.

- B. Any permit or variance granted may be so conditional as to require the owner